

Message Text

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PAGE 01 LONDON 03462 062002Z

14-11

ACTION NEA-09

INFO OCT-01 EUR-12 ISO-00 EB-07 L-02 COME-00 /031 W

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R 061950Z MAR 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 9000

INFO AMEMBASSY NEW DELHI

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E.O. 11652: N/A

TAGS: ETRA, IN, UK

SUBJECT: ARBITRATION DISPUTES

REF: (A) STATE 41862, (B) LONDON 3257, (C) NEW DELHI

2979, (D) NEW DELHI 3100

ON RECEIPT REFTEL C WE SOUGHT FURTHER CLARIFICATION FROM FCO ON ARBITRATION DISPUTES IN INDIA. SOUTH ASIA DEPARTMENT, FCO, CONFIRMED COMPLAINTS DISCUSSED REFTEL B HAVE NOT BEEN RAISED WITH UK EMBASSY, NEW DELHI. MOST COMPLAINTS HAVE COME FROM GRAIN AND FEED TRADE ASSOCIATION. EVIDENCE OF INJURY TO UK EXPORTERS IS NOT CONSIDERED SUFFICIENT BY FCO TO MERIT INTERVENTIONS BY UK EMBASSY, NEW DELHI. COMPLAINANTS ARE BEING TOLD BY FCO THAT INDIAN LAW PREVENTS ARBITRATION OUTSIDE INDIA. THIS VIEW IS BASED ON RECOGNITION AND ENFORCEMENT AMENDMENT ACT OF 1973 AND TRACTOR-EXPORT CASE. IN LATTER INVOLVING A RUSSIAN EXPORT FIRM, INDIAN SUPREME COURT RULED THAT ARBITRATION HAD TO TAKE PLACE IN INDIA. THE GRAIN AND FEED TRADE ASSOCIATION HAS BEEN PARTICULARLY CONCERNED OVER THIS SITUATION AS THEIR STANDARD CONTRACTS INCLUDE PROVISION WHICH CALLS FOR ARBITRATION TO BE HELD IN LONDON. UNLESS GRAIN AND FEED TRADE ASSOCIATION OR OTHER COMPLAINANTS EXERT ADDITIONAL PRESSURE FCO DOES NOT ANTICIPATE HAVING UK EMBASSY, NEW DELHI, APPROACH GOI.

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